



Michael O. Leavitt
Governor

State of Utah

PUBLIC SERVICE COMMISSION OF UTAH

Heber M. Wells Building
160 East 300 South, 4th Floor
Box 45585
Salt Lake City, Utah 84145-0585
(801) 530-6716; (801) 530-6796 Fax

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September 12, 2000

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RE: CC Docket No. 94-129

Magalie Roman Salas
FCC Secretary
Federal Communications Commission
445 Twelfth Street, S.W., TW-A325
Washington, D.C. 20554

Dear Ms. Salas:

Pursuant to the procedures established in the FCC's *First Order On Reconsideration* in CC Docket No. 94-129 released May 3, 2000, the Public Service Commission of Utah is electing to take primary responsibility for resolving Utah consumers' slamming complaints as of September 8, 2000. The information required to be included in the state notification by 47 C.F.R. § 64.1110(a) and ¶ 29 if the May Order is provided below:

Complaint Process

Method of Filing: Consumers may contact the Utah Commission/Division of Public Utilities regarding their slamming complaints by letter, fax, online electronic complaint form or telephone call to the commission.

Location of Filing: Mailing address: Utah Division of Public Utilities
P.O. Box 146751
Salt Lake City, UT 84114-6751

Toll-free consumer complaints phone number: 1-800-874-0904
Fax phone number: 1-801-530-6512 & 1-801-530-6650
E-mail message to the Division utilcomp@br.state.ut.us

Internet Online complaint form: <http://www.commerce.state.ut.us/pubutls/compform.htm>

Filing Fees: None or \$0.00 to file an informal complaint.

Documentation the Consumer Must Provide: The consumer must provide their name, address, telephone number and a brief description of their complaint. A member of the Division staff will request a copy of the page of the consumer's telephone bill that contains the alleged unauthorized carrier's charges. The Division staff member will also contact the alleged unauthorized carrier and request proof that, prior to switching the consumer, the carrier obtained authorization from the consumer.

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Procedure (Safeguards, Deadlines, Appeal Rights): Consumers may file informal complaints with the Utah Division of Public Utilities by phone, e-mail, letter, or Internet online complaint form. Within one business day after receipt of an informal complaint a staff member will contact the company against which the slamming complaint has been filed and provide details of the complaint. The alleged unauthorized carrier is required by PSC rule to respond to both the complainant and the Division staff member regarding the complaint within five business days. *The FCC's rules require a carrier to remove all unpaid charges from a subscriber's bill pending a determination of whether an unauthorized charge has occurred - if it has not already done so.*

Upon receipt of the carrier's proof of authorization, typically either a tape-recorded independent third-party verification or a letter of authorization, the Division staff member listens to the tape or reads the LOA in order to determine if the verification complies with state law and PSC rule. *Utah Public Service Commission verification requirements meet or exceed the requirements of the FCC's rules.* Any evidence supplied by the consumer is also taken into account. If the Division staff member determines the carrier verification provided by the carrier complies with state law, the consumer is notified that the PSC found no slam occurred. *If the investigator determines the verification was inadequate, then the carrier and consumer are informed that a slam did occur and, in accordance with 47 U.S.C. § 258 (b)¹, both the federal and state remedies apply.* If the carrier fails to provide proof of authorization or does not respond to the complaint at all, the Division staff member determines a slam did occur and notifies the carrier and consumer of that finding. A carrier or consumer who is not satisfied with the informal resolution of a slamming complaint may pursue the matter further by filing a formal complaint review by the Utah Public Service Commission.

FCC-State Coordination:

Reporting: The Utah Division of Public Utilities complaints staff enters each slamming complaint that is investigated into a complaints database. *In accordance with ¶ 34 of the May Order, we agree to regularly file information with the FCC that details slamming activity in our State to facilitate joint enforcement activities.*

Coordination: The primary contact for the FCC for coordination of FCC complaint referrals and State reporting is Wesley Huntsman, Manager Customer Services & Water, phone # 801-530-6679, FAX # 801-530-6512, e-mail whuntsma@br.state.ut.us.

The Public Service Commission of Utah looks forward to working with the FCC to eradicate slamming altogether.

Sincerely,



Stephen F. Mecham,
Chairman

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¹ Section 258(b) says specifically that the federal procedures created to implement subsection (b)'s remedies for slamming as prescribed in the FCC's Rules, are "in addition to any other remedies available by law."